

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

Master File No. 01-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

BMS PROPOSED SETTLEMENT

DECLARATION OF TRACY GARCIA

I, Tracy Garcia, pursuant to 28 U.S.C. § 1746, declare as follows:

1. My name is Tracy Garcia and I am a resident of the State of Illinois. I have personal knowledge of the facts stated below and will testify in court to the same if called upon to do so.

2. I am submitting this Declaration in support of an incentive award for the time I spent on this litigation that is attributable to Track 1 Defendant Bristol Myers Squibb ("BMS").

3. I am a member of the United Food and Commercial Workers Union and Employers Midwest Health Benefits Fund ("UFCW").

4. I underwent chemotherapy in 2004 and 2005. As part of my treatment, I was prescribed and made payments for Rubex and Cytosan, which are manufactured by BMS.

5. I became involved in this lawsuit in October 2005. Over the next few months, I spent a considerable amount of time searching and collecting medical and financial records and assisting my attorneys in collecting all other necessary documents from my doctors and banks.

This process required some time and effort since the records were in some cases more than a year old.

6. I was added as a Proposed Class 3 representative (TPPs and Consumers for AWP-Based Charges on Physician Administered Drugs Outside of Medicare) to the Third Amended Class Action Complaint on October 17, 2005.

7. I had my deposition taken on November 15, 2005, and spent some time preparing with my attorneys beforehand.

8. In November 2006, I traveled to Boston with my attorneys to testify at the trial against Track I Defendants AstraZeneca ("AZ") and BMS. Although I was not called as a witness during the trial, I prepared with my attorneys to do so and made myself available during the trial in the event that my testimony was needed.

9. Throughout the case, I have regularly stayed in contact with my attorneys, receiving and reviewing status reports, answering any questions they had, and generally being available to assist with the lawsuit in any way possible.

10. I did not make contemporaneous records of my time as an attorney would. The following chart, however, reflects my best estimate of the time I spent on various activities throughout the case. It has been cross-checked for accuracy against the records kept by my attorneys.

Time Spent on Overall Case Against All Defendants	
Activity	Hours
Searching for and gathering documents in the home (proof of payments, cancelled checks, bank records, medical bills, etc.)	1.5 hour

Working with lawyers to contact doctor(s) and bank(s) to obtain documents and completing bank and medical records waivers	2 hours
Preparing for deposition	4 hours
Attending deposition	3.5 hours
Talking to attorneys or paralegals regarding the status of the case, responding to their inquiries or questions regarding my documents, and/or providing information to compile affidavits for use in the lawsuit	5 hours
Other (reviewing and signing affidavits for use in the case, reviewing the Complaint, reading letters from my lawyers, etc.)	2 hours
Approximate Total Hours Expended on the Overall Case Against All Defendants	18 hours

Time Spent on Trial of Track I Defendant BMS	
Activity	Hours
Discussing my trial affidavit with my attorneys; Reviewing and signing my trial affidavit	2 hours
Telephone calls with my attorneys regarding testifying at trial	2 hours
Traveling to Boston; preparing to testify with attorneys; waiting to testify	24 hours (8 hours x 3 full days - left Chicago on 11/6 and returned on 11/8)
Approximate Total Hours Expended on the Trial of Track I Defendant BMS	28 hours

11. I was administered and made payments for three different Track I drugs, which were manufactured by BMS (Rubex and Cytosan) and Schering-Plough (Albuterol). This affidavit is in relation to a Settlement reached with BMS only, one of five Track I defendants. Because 2 of the 3 Track 1 drugs I was administered and made payments for were manufactured

by BMS, the total number of hours I have spent on the overall case against all defendants (18) multiplied by $\frac{2}{3}$ is my best estimate of my time attributed to the case against BMS. This totals 12 hours.

12. Additionally, the entire time I spent preparing for, attending and making myself available to testify at the trial of Track I defendant BMS should be attributed to the case against BMS. This totals 28 hours.

13. I understand from Co-Lead Counsel that the Court has indicated that a fair rate of reimbursement for time spent on this litigation by class representatives might be \$100.00 per hour. At the rate of \$100.00 per hour, the value of the estimated time I spent litigating the case against BMS ($12 + 28$ hours = 40 hours) is equal to \$4,000.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated: April 8, 2011

/s/ Tracy Garcia
Tracy Garcia

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing ***Declaration of Tracy Garcia*** to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system. Those attorneys not registered with the Court's electronic filing system will be served by U.S. Mail this 8th day of April, 2011.

/s/ Kenneth A. Wexler